

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

BOLLINGER AMELIA REPAIR L.L.C.
Plaintiff/Counter defendant

CIVIL ACTION NO. 07-0142

VS.

JUDGE MELANÇON

M/V PALADIN SHADOW II *in rem*
PALADIN SHADOW II INVESTMENTS L.L.C.
SHADOW MARINE L.L.C. *in personam*
Defendants/Counter claimants

MAGISTRATE JUDGE METHVIN

BOLLINGER SHIPYARDS LOCKPORT L.L.C.
BOLLINGER QUICK REPAIR L.L.C.
BOLLINGER LAROSE L.L.C.
BOLLINGER FOURCHON L.L.C.
BOLLINGER MORGAN CITY L.L.C.
BOLLINGER GRETNAL L.L.C.
BOLLINGER GULF L.L.C.
BOLLINGER CALCASIEU L.L.C.
BOLLINGER TEXAS CITY L.P.
Counter defendants

RULING ON MOTION TO COMPEL
Rec. Doc. 129

Before the court is Shadow Marine, L.L.C.'s Motion to Compel filed on March 3, 2008.¹

Bollinger Amelia Repair, L.L.C. opposes the motion. At the request of counsel, the motion was given expedited consideration.²

Shadow Marine propounded Interrogatories and Requests for Production of Documents on the discovery deadline of January 22, 2008.³ Discovery must be propounded so that responses are received, and any motion to compel filed, on or before the discovery deadline. Because of the late filing of the discovery requests, the motion to compel was filed 41 days after the discovery

¹ Rec. Doc. 129.

² Rec. Doc. 131. The telephone conference was canceled.

³ The Scheduling Order was entered on June 7, 2007 (Rec. Doc. 41).

deadline. Trial of this matter is set for July 21, 2008, and the pretrial conference is scheduled for June 18, 2008. Considering the foregoing, the court concludes that the discovery sought is untimely.

Furthermore, a review of the discovery requests shows that the information sought relates to the issue of possible fraud by Bollinger in billing for the work at issue. Bollinger states that nothing revealed in discovery heretofore has suggested fraud in billing, and that extensive time and expense would be required to produce the documents requested. The court concludes that if the information sought were critical to Shadow Marine's case, the discovery requests would have been propounded well before the discovery deadline.

For the foregoing reasons,

IT IS ORDERED that Shadow Marine's Motion to Compel is **DENIED**.

Signed at Lafayette, Louisiana, on March 13, 2008.



Mildred E. Methvin
United States Magistrate Judge
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